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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Saul Palder
Serial No.: 10/646,581
Conf. No.: 9949
Filed: August 22, 2003
For: NESTABLE CONTAINERS
Examiner: Not Yet Assigned
Art Unit: 3728

MAIL STOP PETITION
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA, 22313-1450

Dear Sir:

DECLARATION OF DAVID WOLF


I, David Wolf, declare that:

1. I am an attorney licensed to practice before the Patent and Trademark Office (Registration No. 17,528) and am counsel for the Applicant of the above-referenced application.
2. Upon information and belief, there is a nestable container actually on the market in the United States that embodies the invention recited in at least one of the claims of the above-referenced application. Attached are two brochures for products on the market: one for the EZ STORAGE product, and the other is for the SPIN 'N STORE product. I have reviewed these brochures and these products embody the invention recited in at least one of the claims of the above-referenced application.
3. A rigid comparison of these products has been made with the claims of the present application, and in my opinion, at least one of the claims is unquestionably infringed.
4. I have caused a careful and thorough search to be made for prior art. Copies of the references deemed most closely related to the subject matter encompassed by the claims of the

present application are cited in the Information Disclosure Statement filed on June 15, 2004 and in the Information Disclosure Statement filed herewith.

I hereby declare that all statements made of by own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: March 30, 2005


David Wolf
Reg. No. 17,528